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**FACSIMILE TRANSMITTAL SHEET**

**DATE:** June 18, 2009

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**FROM:** Linda C. Gould (Cantor Colburn LLP)

**OUR REF:** GEM0093US

**YOUR REF:** USSN 10/707,775

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**(INCLUDING THIS COVER SHEET):**

**COMMENTS: TO WHOM IT MAY CONCERN:**

Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/707,775. Also, find enclosed a "FEE ADDRESS" INDICATION FORM (1page) and a "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE."

Thank you,  
CANTOR COLBURN LLP

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Appln. No. 10/707,775  
Docket No. 140525/GEM-0093

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 10/707,775 : Confirmation No.: 1774  
Applicant: Michael Ronald Miller: Group Art Unit: 3737  
Filed: January 12, 2004 : Examiner: Ramirez, John Fernando  
Docket No.: 140525/GEM-0093 :

**For: RESPIRATORY MEASUREMENT SYSTEM AND METHOD RELATED  
THERE TO**

June 17, 2009

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated March 30, 2009.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope, or Express Mail No. \_\_\_\_\_, addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to \_\_\_\_\_ at the United States Patent and Trademark Office on the date shown below.

Linda Gould  
Name

[Signature]  
Signature

6/15/09  
Date

Appln. No.10/707,775  
Docket No.140525/GEM-0093

The Examiner remarks that Claims 7, 8, 20-22 are allowed for reasons set forth in Paper No. 20090224, page 2.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks imply, suggest or state that certain limitations or combinations not found in the prior art of record relied upon are or may be present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons may imply that features found in the Examiner's reasons only, in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, the Examiner's reasons refers to "an x-ray tabletop", while the allowed claims merely refer to "a tabletop". While Applicant acknowledges that the allowed claims do include language directed to "x-rays", Applicant does not concede that the claimed "tabletop" necessarily includes structure that may be specific only to an "x-ray tabletop". Accordingly, allowed claims that do not recite "an x-ray tabletop" are not so limited.

Respectfully submitted,  
CANTOR COLBURN LLP  
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